

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Richard W. Comerford Pro Se
Plaintiff,

v.

C. A. No. 05-10439-WGY

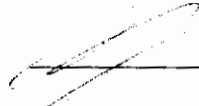
Michael W. Steward et al
Defendant,

Plaintiff's Motion for Relief from Judgement or Order

1. Pursuant to Rules 59(e) and 60(a) of the Federal Rule of Civil Procedure and Local Rule 7.1 Plaintiff respectfully moves this honorable Court to correct a clerical mistake in its show cause order dated 16 August 2005. In said order the court wrote in part in paragraph 2 on page 14: "the Court has ruled that Comerford, despite his later assertions to the contrary, voluntarily settled and voluntarily dismissed two of his previous claims. C.A. No. 97011962-WGY; 99-11712-WGY Docket No. 62."
2. In support of said motion plaintiff offers the following: a) This court has never ruled that plaintiff "voluntarily settled and voluntarily dismissed two of his previous claims"; b) As evidenced by the record this court did rule on or about 30 October 2001 that plaintiff was pro se in the consolidated action for cases numbered 97011962-WGY; 99-11712-WGY and 00-11671-WGY; c) Also as evidenced by the record no attorney has ever made an appearance in the

aforementioned actions as plaintiff's counsel after 30 October 2001; d) Also as evidenced by the record the plaintiff pro se did not and has not settled any claim from the aforementioned actions after 30 October 2001; e) Also as evidenced by the record Docket No. 62 does not contain an entry stating that plaintiff "voluntarily settled and voluntarily dismissed two of his previous claims"; f) Also as further evidenced by the record this court has never served on the plaintiff pro se an order dismissing the aforementioned cases; g) Finally as evidenced by the record no party has ever served on the plaintiff pro se a motion to dismiss or settle the aforementioned cases.

Respectfully submitted,


Richard W. Comerford Pro Se
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Plymouth, Massachusetts 02360
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Dated: 12 October 2005

Certificate of Service

I hereby certify as attested by my signature above that I served by First Class Mail on the date of said signature a true copy of the above document upon AUSA Smith at the U.S. Courthouse in Boston.